

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

OSCAR MARQUEZ,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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EX AUG 17 2007
INFORMATION

07 Cr. 07 Cr. 768

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JUDGE CHIEF COUNT ONE

The United States Attorney charges:

1. From in or about 1999 until at least in or about 2002, in the Southern District of New York and elsewhere, OSCAR MARQUEZ, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that OSCAR MARQUEZ, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

(Title 21, United States Code, Section 846.)

COUNT TWO

The United States Attorney further charges:

3. From in or about 2003 until at least in or about early 2006, in the Southern District of New York and elsewhere, OSCAR MARQUEZ, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

4. It was a part and an object of the conspiracy that OSCAR MARQUEZ, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

5. It was a part and an object of the conspiracy that OSCAR MARQUEZ, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

(Title 21, United States Code, Section 846.)

COUNT THREE

The United States Attorney further charges:

6. In or about March 2006, in the Southern District of New York and elsewhere, OSCAR MARQUEZ, the defendant, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, approximately 500 grams and more of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(B); and
Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

7. As a result of committing one or more of the controlled substance offenses alleged in Counts One through Three of this Information, OSCAR MARQUEZ, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853 any and all property constituting and derived from any proceeds that OSCAR MARQUEZ obtained directly and indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Counts One through Three of this Information, including, but not limited to, a sum of money of at least \$150,000 in United States currency, representing the amount of proceeds obtained as a result of the offenses.

Substitute Assets Provision

8. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant--

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty; it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)

Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney

